

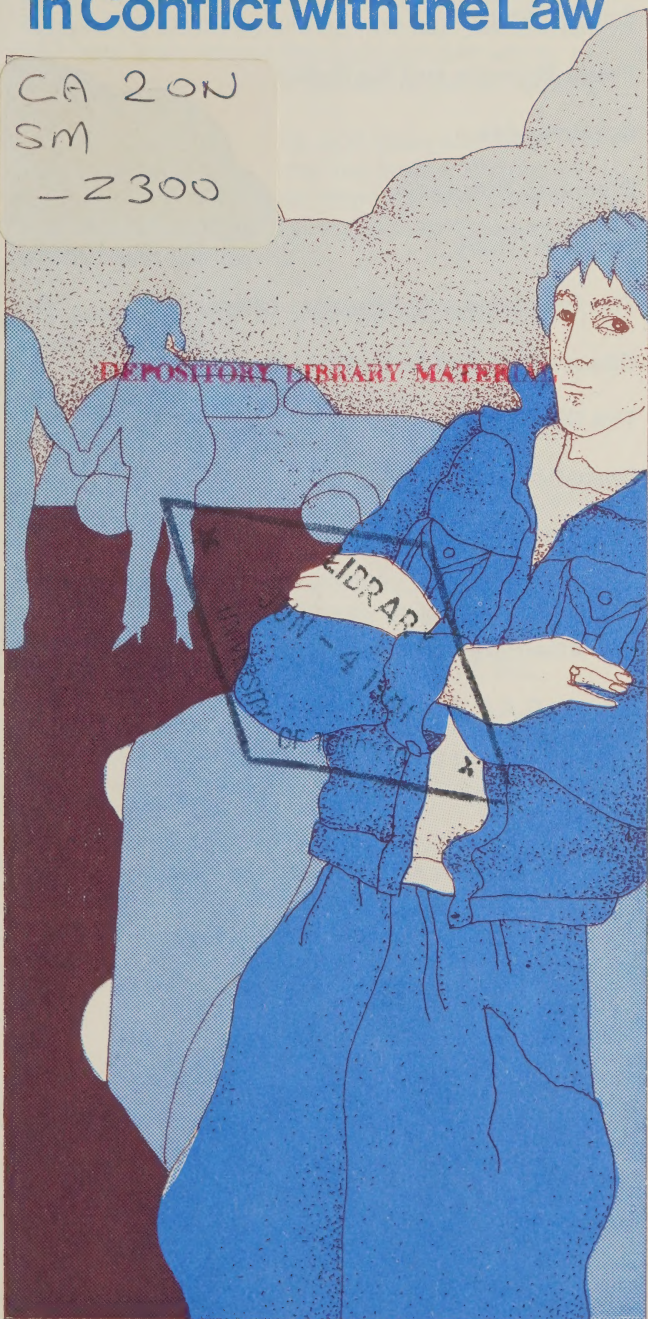
Juveniles

in Conflict with the Law

Government
Publications
VF

CA 20N
SM
-2300

DEPOSITORY LIBRARY MATERIAL



Contents	Page
Introduction	1
Counselling	2
Youth Bureaus and the Police	3
Occurrences	3
Diversion Programs	3
Juvenile Court	5
The Probation and Aftercare Officer	6
Observation and Detention Homes	7
The Disposition	7
Probation	7
Foster Homes and Group Homes	8
Training School	9
The Aftercare Program	10
Project D.A.R.E.	11

Introduction

There are a lot of misconceptions about our system of justice for young people in Ontario today. For many the term 'training school' suggests a fortified building with high stone walls and steel bars across the window from which, once admitted, the young offender never returns.

This is a myth, of course, and there are many other strange ideas about the justice system for juveniles. This pamphlet attempts to explain what really happens when a young person comes into conflict with the law.

The justice system for juveniles operates on two basic principles:

What is best for the young person?

What is best for society?

The questions are simple. But finding the answers is a lot more difficult.

The law recognizes and defines children under 16 years as dependents, who rely on parents and guardians for food, shelter, protection and countless other needs. More important, the philosophy of the law is based on the understanding that juveniles are not mature adults; they are children with a lot of growing to do.

Special acts, regulations and a variety of professional workers help the juvenile in conflict with the law. Every effort is made to give the young person a second chance and the guidance necessary to develop a rewarding and satisfying life.

Counselling

When parents see their teenagers acting up, or getting into more and more trouble, this is the time to seek help, before a major incident occurs involving the police or the court.

The local children's aid society (or family and children's services association) in your community offers help for troubled young people. Their trained counsellors know how to help both young people and their parents. They might suggest one-to-one counselling or family counselling, where every member of the family is involved.

If the local children's aid society can't help out, the society will be able to recommend other places in the community where help is available. There are a great many organizations today who specifically help young people and their families.

Organizations such as the YMCA and the YWCA may have counsellors on staff who specialize in family life.

Quite often your family doctor is a good place to start. Your doctor may know of other professionals, such as psychiatrists or therapists who help individuals or families.

Young people usually have *some* problems; adolescence is a difficult time. Many well-adjusted adults look back on a turbulent adolescence and feel that working through its problems, sometimes with outside help, was a valuable experience.

Youth Bureaus and the Police

A number of concerned people work with juveniles. The most visible and best known are the police. Many of the large, municipal police forces operate youth bureaus specifically to serve young people. In the case of the Ontario Provincial Police Force, the designated general law enforcement officer in the detachment looks after juvenile crime.

In most police forces the bureau is staffed by regular officers who are interested in working with juveniles. Many of these officers work long hours because they care about young people and try to understand their problems. Has the youth been in trouble before? What is the person's situation? How do the parents feel - supportive or abusive? In deciding whether or not to lay a charge, the officer wants to be sure the decision is an appropriate response to the child's behavior. Many investigations result in no charges being laid.

Occurrences

Youth officers record any law breaking incident in the police occurrence book during their time on duty. Not all occurrences warrant the laying of a charge. Perhaps there is not enough evidence to go to court. These reports help the youth bureau officers and others, such as probation officers, to follow the young person's behavior over a period of time.

Diversion Programs

There's a consensus that the less exposure young people have to the court process, the easier it is to rehabilitate them. Diversion programs are set up to 'divert' the young person out and away from the court process.

Circumstances surrounding the diversion program determine when the program is suggested and what it involves. For example, a juvenile whose name appears repeatedly in the police occurrence book may be asked to participate in a program. Or a program may be suggested by the officer as an alternative to laying charges.

The choice is left to the youth involved and his parents. And charges are not automatically laid, simply because the young person refuses to take part in one of the programs. However, if the occurrences continue, there's a good chance charges will be laid.

Some diversion programs are designed to keep the juvenile busy and working. Many delinquencies are born in boredom and mischief. A diversion program may consist of any sort of community work from helping at a day care centre to doing orderly work in a hospital or working on a clean-up committee. The programs are as diversified as the young people involved.

The length of the program is usually stated at the very beginning. There is a minimum of 14 hours to a maximum of 40 hours, usually performed on a basis of five hours per week.

We have stated only one of the ways in which a diversion program can work. It depends on the police force and the judge involved. Some forces assign a diversion program after charges have been laid, but before an appearance in juvenile court. Or the youth may be placed in a diversion program as part of the judge's decision.

In some cases 'restitution' may be agreed upon between the juvenile offender and the victim. This could happen either as part of a formal agreement made during the hearing or in lieu of going to court.

Juvenile Court

What happens in juvenile court depends to a large extent on the size and location of the city or town, the parties involved and the circumstances of the case. What may take place in Timmins or Thunder Bay may be different from Toronto or Brockville. But the basic structure and philosophy remains the same.

In juvenile court, the youth bureau police officer (or the arresting officer if the police force in question has no youth bureau) may prosecute the case. What that means is that officers take the part of the prosecution. There may also be a Crown Attorney who is responsible for the prosecution in court. At the judge's request, officers tell the court what they know of the youth's past and present status.

Proceedings in juvenile court are kept as informal as possible. The youth may have a lawyer present, but it is not necessary. The court session is basically a discussion between the judge, the police officer, the juvenile, parents, and other concerned parties, such as the probation officer.

In addition to administering the law, the juvenile court judge tempers his decisions with firm yet understanding concern. The judge wants to make sure the youth understands the charges and what it means to plead guilty. Court language can often confuse and intimidate young people. Because of this, the judge usually requires that the youth has consulted with a lawyer or duty counsel before proceeding.

We expect a lot of a family court judge. The judge must be skilled in assessing a situation from the evidence heard, and should have a good understanding of human nature and especially of young people. It's this understanding that helps the judge decide what's best for the juvenile involved.

Many first offenders are given a chance when the judge passes a 'sine die' ruling. Put simply, it means the judge reserves making a final decision on this case.

Should a youth appear in court again on a new charge, the judge may then choose to make a final decision on the original charge as well as the current one.

Many juveniles do not reappear in court after a sine die ruling, and therefore do not have a juvenile court record.

The Probation and Aftercare Officer

Probation and aftercare officers play an important role in juvenile corrections. Throughout the court hearing process, they assist the youth, the family and the judge to determine the most appropriate disposition for the young person. In juvenile court, the decision of the judge is called a disposition.

In making this disposition the judge may want to know more about the young person. The probation officer writes a full report and speaks confidentially with a number of people - teachers, family doctor, youth workers and the juvenile's family. A psychological assessment at the family court clinic may be arranged. All this information is included in the report to the judge. While the information is being gathered, the judge may decide the young person should stay in an observation and detention home, for his or her own protection or that of the community.

Observation and Detention Homes

An observation and detention home is a place where the young person can live safely and securely until disposition of the case. It isn't a jail. These places range from secure settings to group homes and, in some cases, private homes. The court tries to make a placement in a setting which is best for the child. Unfortunately as it is, there are some instances when young people can't remain in their own home environment, nor should they.

The Disposition

If the court finds that the juvenile has committed an offence, the judge must decide what best serves the juvenile and society. There are many options. If the youth has a job, perhaps a contribution to a charity or assistance in paying for damages will be requested. Some young people may be required by the court to donate a specified number of hours of service to the community. Others may need the help and supervision of a probation officer. Still others may need an institutionalized setting.

Probation

Probation and aftercare officers are often assigned to help young people honour their commitments in the community. A number of volunteers from the community help probation and aftercare officers with their caseload. On a group or individual basis, they may help young people by organizing social and recreational activities.

Probation gives young people an opportunity to learn more responsible behaviour within their own community. In order to achieve this, young offenders need support, friendship and understanding mixed with discipline. Probation officers try to fill these needs.

As part of the disposition the judge may decide that the juvenile should live at home and receive treatment at a community clinic or centre. A number of juvenile offenders need some psychological or emotional help, and some may need a setting more structured than their own home. This may be found in a foster home, group home or a training school.

Foster homes and group homes

Throughout Ontario, Children's Aid Societies, Family and Children's Services, Probation and Aftercare Services and private agencies provide a variety of foster homes or group homes to suit the needs of a wide range of young people. These supportive environments may be chosen by a judge for young people who have come in conflict with the law. All young people who have gone to a training school are released into an aftercare program, which may include living in a foster home, group home, or their own homes.

In group homes and foster homes, supervision is provided around the clock, but that isn't where their real strength lies. It's in the feeling of family, security and most of all, stability. The youth continues to attend school or to work at a job. As a group the youngsters participate in recreational outings such as picnics, baseball and bowling.

More and more, people are realizing the importance of keeping a young person in the community and in a family atmosphere. As more foster homes and group homes become available, the formal institutions of yesteryear are being phased out. In the vast majority of cases, community care has proved more effective in helping most young people than the formal institution - the training school.

Training School

However, some juveniles still need a strictly controlled environment. The less structured alternatives of a foster home, group home or a probation program may not be the answer. Young people who attend training schools represent a very small proportion of those appearing in juvenile court.

The young people who are sent to training school by a judge are those who have been termed 'harmful to themselves or others', or they may be young people who have seriously violated their probation programs. In these cases, training school may be the only appropriate setting. Only a family court judge is authorized to send them.

Training schools are well equipped with educational and recreational facilities. A high degree of structure is maintained and young people are helped to realize that they have responsibilities to themselves and others. The school tries to prepare the young offender for re-entry into the community, with some goal for the future, either in the work force or in more schooling.

At the moment there are training schools that are co-educational and there is one school that accepts boys only. Provision is made to ensure that religious guidance is available to each child. Educational programs are designed for each youngster, according to individual needs. Qualified teachers use Ministry of Education guidelines.

The length of stay at a training school varies. If the juvenile makes progress, then an aftercare program is recommended. The plans made for each youngster's return to the community are evaluated by the Training Schools Advisory Board, on behalf of the Minister of Community and Social Services. A final decision about release is then made.

The Aftercare Program

After training school, what next? Young people who have made progress in a training school are released to the community to participate in an aftercare program.

In an aftercare program young people meet regularly with their assigned officers. They discuss problems and progress in re-adjusting to community living, and planning a course for the future.

Many children experience some difficulty making the transition from training school to their home. For some the answer is a stay at a foster home or group home, as a halfway step towards living in their own homes. Here the young person is eased back into the routine and responsibility of family living. Those who seem to be coping and working well on their own may return to their own families or to independent living. This will be possible with the right kind of support from parents, friends and the community at large.

Project D.A.R.E

Project D.A.R.E. (Development through Adventure, Responsibility and Education) deserves a special mention. It provides a special kind of training for young people with strong characters, who are in good physical shape.

Project D.A.R.E. is a wilderness camp program. In the countryside around Loxton Lake on the edge of Algonquin Park, young people are taught the basics of survival in the bush. During the one month and two months programs they undertake adventurous projects and major expeditions that include canoeing and cross-country skiing, and help them to appreciate their wilderness heritage. Life at D.A.R.E. is rough and demanding, but it impresses upon young people the need for social responsibility. At D.A.R.E., with its wilderness setting, young people learn to help and depend on one another.

Ministry Area Offices (Children's Services)

Northern Region

Sudbury

111 Larch St.
8th Floor
Sudbury, Ont. P3E 4T5
(705) 674-7543

Thunder Bay

710 Victoria Ave.
Suite 301
Thunder Bay, Ont.
P7C 5P7
(807) 475-1345

Timmins

P.O. Box 1720
South Porcupine, Ont.
P0H 1H0
(705) 264-9407

Southeastern Region

Kingston

1055 Princess St.
Kingston, Ont. K7L 5T3
(613) 549-6461

Peterborough

263 1/2 George St.
Peterborough, Ont.
K9J 3G6
(705) 743-1624

Central Region

Barrie

70 Collier St.
5th Floor
Barrie, Ont. L4M 4Z2
(705) 737-1311

Toronto

110 Eglinton Ave. W.
5th Floor
Toronto, Ont. M4R 2C9
(416) 965-5340

Southwestern Region

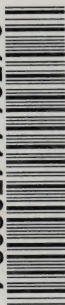
Hamilton

499 King St. East
St. John's Place, 2nd Fl.
Hamilton, Ont. L8N 1E1
(416) 525-6431

London

IBM Bldg., 5th Fl.
195 Dufferin Ave.
London, Ont. N6A 1K7
(519) 438-8387

3 1761 11470808 4



Hon. Keith C. Norton, Minister
Robert D. Carman, Deputy Minister



Ontario

Ministry of
Community and
Social Services

March 1981